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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,808	11/19/2003	Christopher J. Cookson	3053-068	9706
22440	7590	08/11/2006	EXAMINER PHAM, VAN T	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,808	Applicant(s) COOKSON ET AL.	
	Examiner VAN T. PHAM	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9-11, 13, 14 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 15-19, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

The recording and reproducing device of figure(s):

- a. Species A, figure 2,
- b. Species B, figure 3,
- c. Species C, figure 14.

2. During a telephone conversation with Mr. Weisz Tiberiu on 08/03/2006 a provisional election was made without traverse to prosecute the invention of species a., claims 1-8, 12, 15-19 and 21-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-11, 13-14 and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

3. Claim 3 is objected to because of the following informalities: a “,” at the end of line 2, should be changed to -- .-- . Appropriate correction is required.

Specification

4. The disclosure is objected to under 37 CFR 1.78(a)(2)(i) because of the following informalities: the listing of related applications contains only application titles without the corresponding application serial numbers. Appropriate correction is required.

Drawings

5. The drawings are objected to because Fig. 3A, element 132 has an extra arrow which could not understand. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-8, 12 ~~and~~ 15-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Satoh et al. (US 5,253,242).

Satoh, see Figs. 1-3, discloses an optical disc writer for writing data on a blank optical disc comprising: a controller receiving data to be recorded on the blank disc and generating two

corresponding streams of data (see Fig. 1); a first write head receiving one stream of data (fig. 1, all elements with A label); and a second write head receiving the other stream of data (Fig. 1 and all elements with B label); said write heads writing said data on the first and second sides of a disc respectively without reversing the direction of rotation of the disc (see Fig. 1 and col. 1).

Regarding claim 2, see Figs. 1-5, discloses the optical disc writer of claim 1 wherein said write heads write said data on the respective sides of the disc simultaneously (see col. 7, lines 1-27).

Regarding claim 4, see Figs. 1-5, discloses the optical disc writer of claim 1 wherein the controller analyzes the data and arranges the data streams to synchronize data segments of one stream with data segments of the other stream and the write heads write data segments at respective portions of the blank disc (see col. 3 and abstract).

Regarding claim 5, see Figs. 1-5, discloses the optical disc writer of claim 4 wherein the controller synchronizes the segments such that related segments are written to corresponding portions of the two sides of the disc (cols. 3 and 7).

Regarding claim 6, see Figs. 1-5, discloses the optical disc writer of claim 5 wherein the corresponding portions are disposed at substantially similar radial distances from the disc hub (see col. 10).

Regarding claim 7, see Figs. 1-5, discloses the optical disc writer of claim 4 wherein corresponding portions of the disc are rotated at the same speed during playing of the disc (see col. 7).

Regarding claims 8, 16 see rejection above of claim 1.

Regarding claims 12, 17, see rejection above of claim 2.

Regarding claim 15, see Figs. 1-5, discloses the optical disc writer of claim 8 further comprising read members for reading data from the disc (see col. 7).

Regarding claims 18, see rejection above of claim 4.

Regarding claim 19, see Figs. 1-5, discloses the 19 method of claim 18 wherein the segments are written on respective zones, said zones having substantially the same linear velocity as the disc is rotated (see motors 5, 9).

Regarding claim 21, see Figs. 1-5, discloses the method of claim 16 wherein the controller causes the write head to write data on the respective sides along two respective spirals that are mirror images of each other.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (US 5,253,242) in view of the admitted art.

Regarding claim 3, Satoh, see Figs. 1-5, discloses the optical disc writer of claim 1 wherein the write heads write data on each side of the medium. However, Satoh does not disclose the medium each side has two layers.

The admitted art, see Fig. 1, discloses a double-sided multiple-layer optical disc having two data layers on each side and data on tracks A0 and A1 area read without changing the direction of the disk rotation.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a double-sided multiple-layer optical disc having two data layers on each side in Satoh as suggested by the admitted art, the motivation being in order to store more data (see the admitted art col. 1).

Regarding claim 22, see rejection above of claim 3.

Cited References

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to Method for reading and writing magnetic-optical media (US 6,256,267); method and apparatus for simultaneously recording information data on two recording surfaces of an optical disc at equal data states (Hosoda et al. US 5,754,508).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER